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Attorneys for Defendant and Counterclaim-Plaintiff
Radiancy, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TRIA BEAUTY, INC.,

Plaintiff,

vs.

RADIANCY, INC.,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. CV-10-5030 RS

**RADIANCY, INC.'S NOTICE OF
WITHDRAWAL OF MOTION TO
DISMISS TRIA BEAUTY, INC.'S
STATE LAW CLAIMS.**

Honorable Richard Seeborg

Action Filed: November 5, 2010

1 TO THE COURT, ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:
2 PLEASE TAKE NOTICE that, pursuant to Civil L.R. 7-7(e), defendant and
3 counterclaimant Radiancy, Inc. hereby withdraws its Motion to Dismiss Plaintiff-
4 Counterdefendant TRIA Beauty, Inc.'s State Law Claims, which is set for hearing on March 10,
5 2011, at 1:30 p.m. The withdrawal is made in light of the California Supreme Court's recent
6 decision in *Kwikset Corp. v. Superior Court*, Case No. S171845, 51 Cal. 4th 310, 2011 Cal.
7 LEXIS 532 (Jan. 27, 2011), which was handed down after the motion to dismiss was filed.

8 DATED: February 24, 2011

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12 By: /s/ Robert H. Horn.
13 Robert H. Horn

14 Attorneys for Defendant and Counterclaim-Plaintiff,
15 Radiancy, Inc.